Issuance Date: August 25, 2003
Effective Date: September 1, 2003
Expiration Date: June 30, 2008
Modification Date: December 24, 2003
2nd Modification Date: October 1, 2004
3rd Modification Date: October 7, 2005

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT No. WA0040932

State of Washington
DEPARTMENT OF ECOLOGY
Olympia, Washington 98504-7600

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

Clark Public Utilities
1200 Fort Vancouver Way
Vancouver, Washington 93668

Facility Location: River Road Generating Plant 5201 NW Lower River Road Vancouver, WA 98660	Receiving Water: Columbia River @ River Mile 103.2
Water Body I.D. No.: WA-CR-1010 Industry Type: Electric Power Generation	Discharge Location: **Outfall 001, Columbia River** Latitude: 45° 38' 45" N Longitude: 122° 43' 45" W **Outfall 002, Vancouver Lake Park** Latitude: 45° 36' 51" N Longitude: 122° 46' 19" W **Oufall 003, Shillapoo Lake** Latitude: 45° 38' 31" N Longitude: 122° 45' 38" W **Outfall 004, Frenchman's Bar Park** Latitude: 45° 38' 31" N Longitude: 122° 45' 45" W

is authorized to discharge in accordance with the special and general conditions which follow.

Kelly Susewind, P.E.
Southwest Region Manager
Water Quality Program
Washington State Department of Ecology

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SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S3.A	Discharge Monitoring Report	Monthly	October 15, 2003
S3.E	Noncompliance Notification	As necessary	
S4.A	Operations and Maintenance Manual	1/Permit cycle	March 1, 2004
S4.A	Treatment System Operating Plan	1/Permit cycle	January 1, 2008
S4.B	Reporting Bypasses	As necessary	
S7.	Spill Plan, Update	1/permit cycle, updates submitted as necessary	January 1, 2005, with permit renewal application
S8.A	Acute Toxicity Characterization Data	Quarterly for one year, then see S8.B	January 1, 2004
S8.A	Acute Toxicity Tests Characterization Summary Report	1/permit cycle	90 days following the last characterization sampling event
S8.C	Acute Toxicity Compliance Monitoring Reports (if required)	Quarterly for one year	January 1, 2005
S8.D	Acute Toxicity: "Causes and Preventative Measures for Transient Events."	As necessary	
S8.D	Acute Toxicity TI/TRE Plan	As necessary	
S8.E	Acute Toxicity Effluent Characterization with Permit Renewal Application	2/permit cycle	January 1, 2008 (Sample once in the Last Summer & Once in the Last Winter Prior to Submission of the Renewal Application)
S9.A	Chronic Toxicity Characterization Data	Quarterly for one year, then see S8.B	January 1, 2004
S9.A	Chronic Toxicity Tests Characterization Summary Report	1/permit cycle	90 days following the last characterization sampling event
S9.C	Chronic Toxicity Compliance Monitoring Reports	Quarterly	January 1, 2005
S9.D	Chronic Toxicity: "Causes and Preventative Measures for Transient Events."	As necessary	
S9.D	Chronic Toxicity TI/TRE Plan	As necessary	

Permit Section	Submittal	Frequency	First Submittal Date
S9.E	Chronic Toxicity Effluent Characterization with Permit Renewal Application	2/permit cycle	January 1, 2008 (Sample once in the Last Summer & Once in the Last Winter Prior to Submission of the Renewal Application)
S10.	Outfall Evaluation	1/permit cycle	
S11.	Groundwater Sampling	1/permit cycle	January 1, 2004
G1.	Notice of Change in Authorization	As necessary	
G4.	Permit Application for Substantive Changes to the Discharge	As necessary	
G5.	Engineering Report for Construction or Modification Activities	As necessary	
G7.	Application for Permit Renewal	1/permit cycle	January 1, 2008
G8	Notice of Permit Transfer	As necessary	
G21	Notice of Planned Changes	As necessary	
G22.	Reporting Anticipated Non-compliance	As necessary	

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

A. Process Wastewater Discharges To The Columbia River

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit.

The discharge of any of the following pollutants more frequently than, or at a level in excess of, that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit.

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee is authorized to discharge electric steam generating wastewater at the permitted location subject to complying with the following limitations:

	EFFLUENT LIMITATIONS: OUTFALL # 001	
Parameter	**Average Monthly[a]**	**Maximum Daily[b]**
pH S.U.	Daily minimum is equal to or greater than 6 and the daily maximum is less than or equal to 9.	
Temperature, ° C	N/A	40
Polychlorinated Biphenyl [c] Compounds	No discharge at any time.	
Total Combined Halogens, [f] Total Residual, mg/L	0.104	0.152
Chromium, Total, µg/L	200	200
Chromium (VI), µg/L	82	120
Copper, Total, µg/L[d]	51	74
Zinc, Total µg/L[e]	407	594

[a] The average monthly effluent limitation is defined as the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

[b] The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day.

[c 1] The Permittee will have demonstrated compliance with this limitation if PCBs are not detected using EPA Method 608 (GC/ECD).

[d] The method detection level (MDL) for copper is .26 µg/L using inductively coupled plasma/mass spectrometer and method number 200.8 from 40 CFR Part 136. The quantitation level (QL) for copper is 1.3 µg/L (5 x MDL).

[e] The MDL for zinc is 1 µg/L using inductively coupled plasma and method number 200.8 from 40 CFR Part 136. The quantitation level (QL) for zinc is 5 µg/L (5 x MDL).
[f] Total Combined halogens is the sum of chlorine and bromine in the effluent.

B. Mixing Zone Descriptions

The maximum boundaries of the mixing zone are defined as follows:

MIXING ZONE FOR PROCESS WATER OUTFALL No. 001

The maximum boundaries of the mixing zone for outfall 001 are defined as follows:

The maximum size of the chronic mixing zone boundary (or chronic criteria exceedance zone) is approximately 105 meters downstream and 30 meters upstream of the submerged end of the outfall pipe. The edge of the acute criteria exceedance zone is 10.5 meters downstream of the outfall pipe. This mixing zone analysis was run for 4 situations:

1. Normal operation, average water use, with all cooling tower effluent going to the Columbia.

2. Normal Operation, average water use, with all cooling tower water going to reuse.

3. Maximum operation, maximum water use, with all cooling tower water going to the Columbia.

4. Maximum operation, maximum water use, with all cooling tower water use going to reuse.

DILUTION MODELING

Modeling Situation	Acute Dilution, 10.5 meters DS	Chronic Dilution, 105 meters DS
Normal operation, no reuse	8	190
Normal operation, with reuse	8	3853
Maximum operation, no reuse	8	242
Maximum operation, with reuse	8	432

C. Surface Water Discharges to Shillapoo Lake Wetlands

Beginning on the effective date and lasting through the expiration date of this permit, the Permittee is authorized to discharge wastewater to the Shillapoo Lake area wetlands enhancement project. Subject to the limitations in the effluent limitations table below.

	EFFLUENT LIMITATIONS: OUTFALL #003	
Parameter	**Average Monthly[a]**	**Maximum Daily[b]**
pH, S.U.	Daily minimum is equal to or greater than 6 and the daily maximum is less than or equal to 9	
Temperature, ° C	N/A	22[g]
Polychlorinated Biphenyl[c] Compounds	No discharge at any time	
Total Combined Halogens[f], Total Residual, mg/L	0.012	0.018
Chromium, Total, µg/L	10	15
Copper[d], Total, µg/L	8	11
Zinc[e], Total, µg/L	52	76

[a] The average monthly effluent limitation is defined as the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

[b] The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day.

[c] The Permittee will have demonstrated compliance with this limitation if PCBs are not detected using EPA Method 608 (GC/ECD).

[d] The method detection level (MDL) for copper is 1 µg/L using graphite furnace atomic absorption spectrometry and method number 220.2 from 40 CFR Part 136. The quantitation level (QL) for copper is 5 µg/L (5 x MDL).

[e] The MDL for zinc is 2 µg/L using inductively coupled plasma and method number 200.7 from 40 CFR Part 136. The quantitation level (QL) for zinc is 10 µg/L (5 x MDL).

[f] Total Combined Halogens is the sum of chlorine and bromine in the effluent.

[g] Clark County Public Utilities is permitted to use treated cooling tower water blended with well water to achieve temperature limitations for discharge to wetlands.

Permittee should note that there may be additional effluent limits in S8 Acute Toxicity and S9 Chronic Toxicity.

2. Discharge from the Cooling Tower – Internal Waste Stream

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee is authorized to discharge cooling tower blowdown at the permitted location subject to meeting the following limitations:

Parameter	EFFLUENT LIMITATIONS	
	Monthly Average[1]	Daily Maximum[2]
Total Combined Halogens	0.2 mg/l	0.5 mg/l
The 126 priority pollutants, except: Chromium Zinc	No detectable amount[3] 0.2 mg/l 1.0 mg/l	No detectable amount[3] 0.2 mg/l 1.0 mg/l
[1] The monthly average effluent limitation is defined as the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month		
[2] The daily maximum effluent limitation is defined as the highest allowable daily discharge.		
[3] The following analytical methods shall be used to test the cooling tower blowdown for priority pollutants: for the Base/Neutral/Acids use EPA Method 625; for Pesticides use EPA Method 608; for Volatile Compounds use EPA Method 624; for Cyanide use EPA Method 335.2; for Metals, except Mercury, use a GFAA detector Method; for Mercury use EPA Method 245.1 or 245.2, cold vapor; and for Dioxin use EPA Method 1613.		

2. Discharge of Low Volume Wastes – Internal Waste Stream

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee is authorized to discharge boiler blowdown, demineralizer backwash, and miscellaneous facility service water at the permitted location subject to meeting the following limitations:

Parameter	EFFLUENT LIMITATIONS	
	Monthly Average[1]	Daily Maximum[2]
Total suspended solids (mg/L)	30	100
Oil and grease, total (mg/L)	15	20
[1] The monthly average effluent limitation is defined as the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.		
[2]The daily maximum effluent limitation is defined as the highest allowable daily discharge.		

2. Discharges to Ground

Discharge to ground is regulated by WAC 173-200 and permitted under WAC 173-216. All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a concentration in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit. Refer to Fact Sheet Appendix F for a description of these properties.

Discharges shall be subject to the following limitations:

	EFFLUENT LIMITATIONS, Land Application, Outfalls #002 and #004	
Parameter	**Average Monthly[a]**	**Maximum Daily [b]**
Flow, mgd	1.833	1.900
pH, S.U.	6.5 to 8.5	
Total Dissolved Solids, mg/L	473	650
[a] The average monthly effluent limitation is defined as the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.		
[b] The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day.		

Clark Public Utilities is permitted to use treated cooling tower water blended with well water for irrigation. The application point for irrigation in Phase I is Vancouver Lake Park. The application point irrigation for Phase II is Frenchman's Bar Park.

G. Ground Water in Monitoring Wells

Limits for ground water are set in WAC 173-200 and permitted under WAC 173-216. All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The presence of any of the following pollutants in any concentration exceeding the following concentrations in the monitoring wells at any time shall constitute a violation of the permit.

Discharges shall be subject to the following limitations:

	ENFORCEMENT LIMITATIONS, Monitoring Wells GW-4, GW-5, and GW-6
Parameter	**Daily Maximum Limit**
Total Dissolved Solids (mg/L)	438
Chloride, (mg/L)	250
Flouride, (mg/L)	4
Sulfate, (mg/L)	250
Total Nitrogen[1] (mg/L)	10
Chromium, (mg/L)	0.05
Copper, (mg/L)	1.0
Zinc, (mg/L)	5.0
Lead, (mg/L)	0.05

If any ground water deterioration occurs, CPU will reduce the blending ratio until compliance is achieved. Deterioration is defined by CPU as an increase of greater than 5 percent of TDS in ground water above background levels. Additionally, if samples violate the permit limitations then the amount of reuse water will be reduced or eliminated.

A violation of an enforcement limit is quantified as two consecutive exceedances for the same parameter at the same well.

2nd Modification Date: October 1, 2004

[1] Total nitrogen is being defined, for this permit, as a sum of total kjeldahl nitrogen [TKN (as N)] and nitrate nitrogen[NO_3 (as N)].

S2. MONITORING REQUIREMENTS

A. Monitoring Schedule

1. Discharge to the Columbia River, Outfall 001

Category	Parameter	Sample Point	Minimum Sampling Frequency	Sample Type
Wastewater Effluent	Flow, MGD	Final Effluent	Continuous*	Totalizing Flow Recorder
Wastewater Effluent	pH[c,] S.U.	Final Effluent	Continuous	pH probe with recorder
Wastewater Effluent	Temperature, ^{0}C	Final Effluent	Continuous	Recorded
Wastewater Effluent	Polychlorinated Biphenyl Compounds, µg/L	Final Effluent	Quarterly	Grab
Wastewater Effluent	Total Combined Halogens, mg/L	Final Effluent	1/month	Grab
Wastewater Effluent	Chromium, Total, µg/L	Final Effluent	1/month	24-hour composite
Wastewater Effluent	Chromium (+6), µg/L	Final Effluent	1/month	24-hour composite
Wastewater Effluent	Copper, Total, µg/L	Final Effluent	1/month	24-hour composite
Wastewater Effluent	Zinc, Total µg/L	Final Effluent	1/month	24-hour composite
Acute Toxicity Testing	See Special Condition S8			
Chronic Toxicity Testing	See Special Condition S9			

* Continuous means uninterrupted - except for brief lengths of time for calibration, power failure, or for unanticipated equipment repair or maintenance. Sampling shall be taken at two hour intervals when continuous monitoring is not possible.

2. Discharge Shillapoo Lake, Outfall #003

Category	Parameter	Sample Point	Minimum Sampling Frequency	Sample Type
Wastewater Effluent	Flow, MGD	Final Effluent	Continuous*	Totalizing Flow Recorder

Wastewater Effluent	pH[c,] S.U.	Final Effluent	Continuous*	pH probe with recorder
Wastewater Effluent	Temperature, ^{0}C	Final Effluent	Continuous*	Recorded
Wastewater Effluent	Polychlorinated Biphenyl Compounds, µg/L	Final Effluent	Quarterly	Grab
Wastewater Effluent	Total Combined Halogens, mg/L	Final Effluent	1/month	Grab
Wastewater Effluent	Chromium, Total, µg/L	Final Effluent	1/month	24-hour composite
Wastewater Effluent	Copper, Total, µg/L	Final Effluent	1/month	24-hour composite
Wastewater Effluent	Zinc, Total µg/L	Final Effluent	1/month	24-hour composite
Acute Toxicity Testing	See Special Condition S8			
Chronic Toxicity Testing	See Special Condition S9			

* Continuous means uninterrupted - except for brief lengths of time for calibration, power failure, or for unanticipated equipment repair or maintenance. Sampling shall be taken at two hour intervals when continuous monitoring is not possible.

3. Monitoring Schedule, Cooling Tower, Internal Waste Stream

Category	**Parameter**	**Units**	**Sample Point**	**Minimum Sampling Frequency**	**Sample Type**
Wastewater Effluent	Total Combined Halogens	mg/L	Cooling Tower Effluent	1/month	Grab
Wastewater Effluent	The 126 priority pollutants, except: Chromium Zinc	µg/L	Cooling Tower Effluent	1/permit period, Submit with reapplication.	Grab

Wastewater Effluent	Chromium	mg/L	Cooling Tower Effluent	1/permit period, submit with reapplication	Grab
Wastewater Effluent	Zinc	mg/L	Cooling Tower Effluent	1/permit period, submit with reapplication	Grab

4. Monitoring of Low Volume Wastes, Internal Waste Stream

Category	Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Wastewater Effluent	Total Suspended Solids	mg/L	End of transmission pipe	Monthly	Grab
Wastewater Effluent	Oil and Grease	mg/L	End of transmission pipe	Monthly	Grab

5. Monitoring Schedule, Discharge to Ground

Category	Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Wastewater Effluent	Flow	mgd	End of transmission pipe	Continuous	Totalizing Flow Recorder
Wastewater Effluent	pH	S.U.	End of transmission pipe	Continuous	pH Probe With Recorder
Wastewater Effluent	Total Dissolved Solids	mg/L	End of transmission pipe	1/month	Grab
Wastewater Effluent	Nitrate	mg/L	End of Transmission Pipe	1/month	Grab
Wastewater Effluent	Total Kjeldahl Nitrogen	mg/L	End of Transmission Pipe	1/month	Grab
Wastewater Effluent	Total Nitrogen[2]	mg/L	End of Transmission Pipe	1/month	Grab

[2] Total nitrogen is being defined, for this permit, as a sum of total kjeldahl nitrogen [TKN (as N)] and nitrate nitrogen[NO_3 (as N)]. No additional sample needs to be taken for the total nitrogen once waste water was sampled for TKN and NO_3.

Category	Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Wastewater Effluent	Chloride	mg/L	End of Transmission Pipe	1/month	Grab
Wastewater Effluent	Sulfate	mg/L	End of Transmission Pipe	1/month	Grab
Wastewater Effluent	Chromium	mg/L	End of Transmission Pipe	1/month	Grab
Wastewater Effluent	Copper	mg/L	End of Transmission Pipe	1/month	Grab
Wastewater Effluent	Lead	mg/L	End of Transmission Pipe	1/month	Grab
Wastewater Effluent	Zinc	mg/L	End of Transmission Pipe	1/month	Grab
Wastewater Effluent	Phenolics	mg/L	End of Transmission Pipe	1/month	Grab

6. Ground Water Monitoring, Wells

The sampling points for ground water will be monitoring wells in the approved Ground Water Quality Evaluation Report, GW-1, GW-2, GW-3, GW-4, GW-5, and GW-6

The Permittee shall monitor the ground water according to the following schedule:

Parameter	Units	Monitoring Well	Sampling Frequency	Sample Type
Ferrous Iron	Present/Absent	All	Quarterly	Field Measurement
Iron (Total)	mg/L	All	Quarterly	Grab
pH	Standard Units	All	Quarterly	Field Measurement
Conductivity	Micromho/cm	All	Quarterly	Grab
Total Coliform	CFU/100 ml	All	Quarterly	Grab
Water Level	Feet	All	Quarterly	Field Measurement
Temperature	°C	All	Quarterly	Field Measurement

Parameter	Units	Monitoring Well	Sampling Frequency	Sample Type
Bicarbonate	mg/L	All	Quarterly	Grab
Carbonate	mg/L	All	Quarterly	Grab
Chloride	mg/L	All	Quarterly	Grab
Dissolved Oxygen	mg/L	All	Quarterly	Field Measurement
Fluoride	mg/L	All	Quarterly	Grab
Sulfate	mg/L	All	Quarterly	Grab
Total Dissolved Solids	mg/L	All	Quarterly	Grab
NO_3 (as N)	mg/L	All	Quarterly	Grab
TKN (as N)	mg/L	All	Quarterly	Grab
Total Nitrogen[3]	mg/L	All	Quarterly	Grab
Calcium	mg/L	All	Quarterly	Grab
Magnesium	mg/L	All	Quarterly	Grab
Potassium	mg/L	All	Quarterly	Grab
Sodium	mg/L	All	Quarterly	Grab
Manganese	mg/L	All	Quarterly	Grab
Chromium	mg/L	All	Quarterly	Grab
Copper	mg/L	All	Quarterly	Grab
Zinc	mg/L	All	Quarterly	Grab
Lead	mg/L	All	Quarterly	Grab

[3] Total nitrogen is being defined, for this permit, as a sum of total kjeldahl nitrogen [TKN (as N)] and nitrate nitrogen[NO_3 (as N)]. No additional sample needs to be taken for the total nitrogen once ground water was sampled for TKN and NO_3.

Parameter	Units	Monitoring Well	Sampling Frequency	Sample Type
Phosphate	mg/L	All	Quarterly	Grab
Silica	mg/L	All	Quarterly	Grab
Phenolics	mg/L	All	Quarterly	Grab

B. Sampling and Analytical Procedures, Discharge to Surface Waters

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).

C. Sampling and Analytical Procedures, Discharge to Ground

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets and maintenance-related conditions affecting effluent quality.

Ground water sampling shall conform to the latest protocols in any nationally accredited agricultural sampling and analysis organization.

Sampling and analytical methods used to meet the water and wastewater monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).

D. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations and at a minimum frequency of at least one calibration per year. Calibration records shall be maintained for at least three years.

E. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited. The Department exempts crops, soils, and hazardous waste data from this requirement pending accreditation of laboratories for analysis of these media.

S3. REPORTING AND RECORDKEEPING REQUIREMENTS

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on the effective date of the permit. Monitoring results shall be submitted monthly. Monitoring data obtained during each monitoring period shall be summarized, reported, and submitted on a Discharge Monitoring Report (DMR) form provided, or otherwise approved, by the Department. DMR forms shall be received no later than the 15th day of the month following the completed monitoring period, unless otherwise specified in this permit. Priority pollutant analysis data shall be submitted no later than forty-five (45) days following the monitoring period. Unless otherwise specified, all toxicity test data shall be submitted within 60 days after the sample date. The report(s) shall be sent to the Department of Ecology, Southwest Regional Office, P.O. Box 47776, Olympia, WA 98504-7776.

All laboratory reports providing data for organic and metal parameters shall include the following information: sampling date, sample location, date of analysis, parameter name, CAS number, analytical method/ number, method detection limit (MDL), laboratory practical quantitation limit (PQL), reporting units, and concentration detected.

Discharge Monitoring Report forms must be submitted monthly whether or not the facility was discharging. If there was no discharge during a given monitoring period, submit the form as required with the words "no discharge" entered in place of the monitoring results.

Note: If a parameter is reported on a routine basis the permit writer may not need all of this information on all data

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three (3) years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling or measurement; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) the individual who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2. of this permit, then the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's DMR.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the terms and conditions of this permit due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and clean up unauthorized discharges or otherwise stop the noncompliance, correct the problem and, if applicable, repeat sampling and analysis of any noncompliance immediately and submit the results to the Department within thirty (30) days after becoming aware of the violation.

2. Immediately notify the Department of the failure to comply.

3. Submit a detailed written report to the Department within thirty (30) days (five [5] days for upsets and bypasses), unless requested earlier by the Department. The report shall contain a description of the noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

S4. OPERATION AND MAINTENANCE

The Permittee shall, at all times, properly operate and maintain all facilities or systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

A. Operations and Maintenance Manual

An Operations and Maintenance (O&M) Manual shall be prepared by the Permittee in accordance with WAC 173-240-150 and be submitted to the Department for approval within 180 days after permit effective date.

The approved Operations and Maintenance Manual shall be kept available at the permitted facility and all operators shall follow the instructions and procedures of this manual.

The O&M Manual shall include:

1. Emergency procedures for plant shutdown and cleanup in event of wastewater system upset or failure.

2. Plant maintenance procedures.

The following information shall be summarized in the initial chapter of the O&M Manual. This chapter shall be entitled the "Treatment System Operating Plan." For the purposes of this NPDES permit, a Treatment System Operating Plan (TSOP) is a concise summary of specifically defined elements of the O&M Manual. The TSOP shall not conflict with the O&M Manual and shall include the following information:

1. A baseline operating condition, which describes the operating parameters and procedures, used to meet the effluent limitations of S1 at the production levels used in developing these limitations.

2. In the event of production rates, which are below the baseline levels used to establish these limitations, the plan shall describe the operating procedures and conditions needed to maintain design treatment efficiency. The monitoring and reporting shall be described in the plan.

3. In the event of an upset, due to plant maintenance activities, severe stormwater events, start ups or shut downs, or other causes, the plan shall describe the operating procedures and conditions employed to mitigate the upset. The monitoring and reporting shall be described in the plan.

4. A description of any regularly scheduled maintenance or repair activities at the facility which would affect the volume or character of the wastes discharged to the wastewater treatment system and a plan for monitoring and treating/controlling the discharge of maintenance-related materials (such as cleaners, degreasers, solvents, etc.).

An updated Treatment System Operating Plan shall be submitted to the Department with the application for renewal 180 days prior to expiration of the permit. This plan shall be updated and submitted, as necessary, to include requirements for any major modifications of the treatment system.

B. Bypass Procedures

The bypass plan (permitted discharge to the City of Vancouver Sewer System) submitted with the permit application is approved. Any other bypass is specifically forbidden. The permittee must report diversion of effluent to this system to Ecology within two weeks of occurrence.

C. Duty to Mitigate

The Permittee is required to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

S5. FACILITY LOADING

A. Design Criteria

Flows or waste loadings of the following design criteria for the permitted treatment facility or ground disposal system shall not be exceeded:

Average flow for the maximum month: 1.833 mgd

S6. SOLID WASTE DISPOSAL

A. Solid Waste Handling

The Permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

B. Leachate

The Permittee shall not allow leachate from its solid waste material to enter state waters without providing all known, available and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

S7. SPILL PLAN

The Permittee shall submit to the Department an update to the existing Spill Control Plan with their application for permit renewal.

The updated spill control plan shall include the following:

- A description of the reporting system which will be used to alert responsible managers and legal authorities in the event of a spill.
- A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials.
- A list of all oil and chemicals used, processed, or stored at the facility which may be spilled into state waters.

For the purpose of meeting this requirement, plans and manuals, or portions thereof, required by 33 CFR 154, 40 CFR 109, 40 CFR 110, 40 CFR Part 112, the Federal Oil Pollution Act of 1990, Chapter 173-181, and contingency plans required by Chapter 173-303 WAC may be submitted.

S8. ACUTE TOXICITY

A. Effluent Characterization

The Permittee shall conduct acute toxicity testing on the final effluent Outfall 001 to determine the presence and amount of acute (lethal) toxicity. The two acute toxicity tests listed below shall be conducted on each sample taken for effluent characterization.

Effluent characterization for acute toxicity shall be conducted quarterly for one year. Acute toxicity testing shall follow protocols, monitoring requirements, and quality assurance/quality control procedures specified in this Section. A dilution series consisting of a minimum of five concentrations and a control shall be used to estimate the concentration lethal to 50 percent of the organisms (LC_{50}). The percent survival in 100 percent effluent shall also be reported.

Testing shall begin within 60 days of the permit effective date, or within 60 days of the start of the discharge, whichever comes last. A written report shall be submitted to the Department within 60 days after each of the test results are final. A final effluent characterization summary report shall be submitted to the Department within 90 days after the last monitoring test results are final. This summary report shall include a tabulated summary of the individual test results and any information on sources of toxicity, toxicity source control, correlation with effluent data, and toxicity treatability which is developed during the period of testing.

Acute toxicity tests shall be conducted with the following species and protocols:

1) Fathead minnow, *Pimephales promelas* (96 hour static-renewal test, method: EPA/600/4-90/027F)

2) Daphnid, *Ceriodaphnia dubia*, *Daphnia pulex*, or *Daphnia magna* (48 hour static test, method: EPA/600/4-90/027F). The Permittee shall choose one of the three species and use it consistently throughout effluent characterization.

B. Effluent Limit for Acute Toxicity

The Permittee has an effluent limit for acute toxicity if, after completing one year of effluent characterization, either:

1) The median survival of any species in 100 percent effluent is below 80 percent, or

2) Any one test of any species exhibits less than 65 percent survival in 100 percent effluent.

If an effluent limit for acute toxicity is required by subsection B at the end of one year of effluent characterization, the Permittee shall immediately complete all applicable requirements in subsections C, D, and F.

If no effluent limit is required by subsection B at the end of one year of effluent characterization, then the Permittee shall complete all applicable requirements in subsections E and F.

The effluent limit for acute toxicity is no acute toxicity detected in a test concentration representing the acute critical effluent concentration (ACEC).

In the event of failure to pass the test described in subsection C. of this section for compliance with the effluent limit for acute toxicity, the Permittee is considered to be in compliance with all permit requirements for acute whole effluent toxicity as long as the requirements in subsection D. are being met to the satisfaction of the Department.

The ACEC means the maximum concentration of effluent during critical conditions at the boundary of the zone of acute criteria exceedance assigned pursuant to WAC 173-201A-100.

The zone of acute criteria exceedance is authorized in Section S1.B. of this permit. The ACEC equals 2.7 percent effluent.

C. Monitoring for Compliance With an Effluent Limit for Acute Toxicity

Monitoring to determine compliance with the effluent limit shall be conducted quarterly for the remainder of the permit term using each of the species listed in subsection A above on a rotating basis and performed using 100 percent effluent, the ACEC, and a control. The Permittee shall schedule the toxicity tests in the order listed in the permit unless the Department notifies the Permittee in writing of another species rotation schedule. The percent survival in 100 percent effluent shall be reported for all compliance monitoring.

Compliance with the effluent limit for acute toxicity means no statistically significant difference in survival between the control and the test concentration representing the ACEC. The Permittee shall immediately implement subsection D. if any acute toxicity test conducted for compliance monitoring determines a statistically significant difference in survival between the control and the ACEC using hypothesis testing at the 0.05 level of significance (Appendix H, EPA/600/4-89/001). If the difference in survival between the control and the ACEC is less than 10 percent, the hypothesis test shall be conducted at the 0.01 level of significance.

D. Response to Noncompliance With an Effluent Limit for Acute Toxicity

If the Permittee violates the acute toxicity limit in subsection B, the Permittee shall begin additional compliance monitoring within one week from the time of receiving the test results. This additional monitoring shall be conducted weekly for four consecutive weeks using the same test and species as the failed compliance test. Testing shall determine the LC_{50} and effluent limit compliance. The discharger shall return to the original monitoring frequency in subsection C. after completion of the additional compliance monitoring.

If the Permittee believes that a test indicating noncompliance will be identified by the Department as an anomalous test result, the Permittee may notify the Department that the compliance test result might be anomalous and that the Permittee intends to take only one additional sample for toxicity testing and wait for notification from the Department before completing the additional monitoring required in this subsection. The notification to the Department shall accompany the report of the compliance test result and identify the reason for considering the compliance test result to be anomalous. The Permittee shall complete all of the additional monitoring required in this subsection as soon as possible after notification by the Department that the compliance test result was not anomalous. If the one additional sample fails to comply with the effluent limit for acute toxicity, then the Permittee shall proceed without delay to complete all of the additional monitoring required in this subsection. The one additional test result shall replace the compliance test result upon determination by the Department that the compliance test result was anomalous.

If all of the additional compliance monitoring conducted in accordance with this subsection complies with the permit limit, the Permittee shall search all pertinent and recent facility records (operating records, monitoring results, inspection records, spill reports, weather records, production records, raw material purchases, pretreatment records, etc.) and submit a report to the Department on possible causes and preventive measures for the transient toxicity event which triggered the additional compliance monitoring.

If toxicity occurs in violation of the acute toxicity limit during the additional compliance monitoring, the Permittee shall submit a Toxicity Identification/Reduction Evaluation (TI/RE)

plan to the Department within 60 days after test results are final. The TI/RE plan shall be based on WAC 173-205-100(2). The TI/RE plan shall address areas where adequate guidance, procedures, or protocols are not available for implementation of the plan. The Permittee shall submit a revised TI/RE plan, in accordance with Department comments, within 30 days after receipt of the Department's comments. The Department will issue an administrative order to require implementation of the TI/RE in accordance with WAC 173-205-100(3).

E. Monitoring When There Is No Permit Limit for Acute Toxicity

The Permittee shall test final effluent once in the last summer and once in the last winter prior to submission of the application for permit renewal. All species used in the initial acute effluent characterization or substitutes approved by the Department shall be used and results submitted to the Department as a part of the permit renewal application process.

F. Sampling and Reporting Requirements

1. All reports for effluent characterization or compliance monitoring shall be submitted in accordance with the most recent Department specifications regarding format and content. Reports shall contain bench sheets and reference toxicant results for test methods. The effluent and reference toxicant test results shall also be submitted as electronic files on floppy disks in the Toxicity Standardized Electronic Reporting Format (TSERF) or other compatible format.

2. Testing shall be conducted on grab samples. Samples taken for toxicity testing shall be cooled to 4 degrees Celsius while being collected and shall be sent to the lab immediately upon completion. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended.

3. Permittees that potentially have ammonia and/or chlorine in the effluent shall measure total ammonia and/or chlorine from a sample collected for toxicity testing. All samples taken for toxicity testing shall have pH, total alkalinity, total hardness, dissolved oxygen, and conductivity or salinity measured prior to test initiation.

4. All toxicity tests shall meet quality assurance criteria in the most recent versions of the EPA manual listed in subsection A. and the Department of Ecology Publication # WQ-R-95-80, *Whole Effluent Toxicity Testing Regulatory Guidance and Test Review Criteria*. If test results are determined to be invalid or anomalous by the Department, testing shall be repeated with freshly collected effluent. If control performance does not meet protocol standards for acceptability, the test shall be repeated with freshly collected effluent.

5. Control water and dilution water shall be laboratory water or pristine natural water meeting the requirements of the EPA manual listed in subsection A and of sufficient quality for good control performance.

6. The whole effluent toxicity tests shall be run on an unmodified sample of final effluent.

7. The Permittee may choose to conduct a full dilution series test during compliance monitoring in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the ACEC.

8. All whole effluent toxicity tests, effluent screening tests, and rapid screening tests that involve hypothesis testing and do not comply with the acute statistical power standard of 29 percent as defined in WAC 173-205-020 must be repeated on a fresh sample with an increased number of replicates to increase the power.

S9. CHRONIC TOXICITY

A. Effluent Characterization

The Permittee shall conduct chronic toxicity testing on the final effluent Outfall 001. The two chronic toxicity tests listed below shall be conducted on each sample taken for effluent characterization.

Testing shall begin within 60 days of the permit effective date, or within 60 days of the start of the discharge, whichever comes last. A written report shall be submitted to the Department within 60 days after each of the test results are final. A final effluent characterization summary report shall be submitted to the Department within 90 days after the last monitoring test results are final. This summary report shall include a tabulated summary of the individual test results and any information on sources of toxicity, toxicity source control, correlation with effluent data, and toxicity treatability which is developed during the period of testing.

Effluent testing for chronic toxicity shall be conducted quarterly for one year. The Permittee shall conduct chronic toxicity testing during effluent characterization on a series of at least five concentrations of effluent in order to determine appropriate point estimates. This series of dilutions shall include the ACEC. The Permittee shall compare the ACEC to the control using hypothesis testing at the 0.05 level of significance as described in Appendix H, EPA/600/4-89/001.

Freshwater Chronic Toxicity Test Species		Method
Fathead minnow	*Pimephales promelas*	EPA/600/4-91/002
Water flea	*Ceriodaphnia dubia*	EPA/600/4-91/002

B. Effluent Limit for Chronic Toxicity

After completion of effluent characterization, the Permittee has an effluent limit for chronic toxicity if any test conducted for effluent characterization shows a significant difference between the control and the ACEC at the 0.05 level of significance using hypothesis testing (Appendix H, EPA/600/4-89/001) and shall complete all applicable requirements in subsections C, D, and F.

If no significant difference is shown between the ACEC and the control in any of the chronic toxicity tests, the Permittee has no effluent limit for chronic toxicity and only subsections E and F apply.

The effluent limit for chronic toxicity is no toxicity detected in a test concentration representing the chronic critical effluent concentration (CCEC).

In the event of failure to pass the test described in subsection C. of this section for compliance with the effluent limit for chronic toxicity, the Permittee is considered to be in compliance with

all permit requirements for chronic whole effluent toxicity as long as the requirements in subsection D. are being met to the satisfaction of the Department.

The CCEC means the maximum concentration of effluent allowable at the boundary of the mixing zone assigned in Section S1.B. pursuant to WAC 173-201A-100. The CCEC equals 0.67 percent effluent.

C. Monitoring for Compliance With an Effluent Limit for Chronic Toxicity

Monitoring to determine compliance with the effluent limit shall be conducted quarterly for the remainder of the permit term using each of the species listed in subsection A above on a rotating basis and performed using the CCEC, the ACEC, and a control. The Permittee shall schedule the toxicity tests in the order listed in the permit unless the Department notifies the Permittee in writing of another species rotation schedule.

Compliance with the effluent limit for chronic toxicity means no statistically significant difference in response between the control and the test concentration representing the CCEC. The Permittee shall immediately implement subsection D. if any chronic toxicity test conducted for compliance monitoring determines a statistically significant difference in response between the control and the CCEC using hypothesis testing at the 0.05 level of significance (Appendix H, EPA/600/4-89/001). If the difference in response between the control and the CCEC is less than 20 percent, the hypothesis test shall be conducted at the 0.01 level of significance.

In order to establish whether the chronic toxicity limit is eligible for removal from future permits, the Permittee shall also conduct this same hypothesis test (Appendix H, EPA/600/4-89/001) to determine if a statistically significant difference in response exists between the ACEC and the control.

D. Response to Noncompliance With an Effluent Limit for Chronic Toxicity

If a toxicity test conducted for compliance monitoring under subsection C. determines a statistically significant difference in response between the CCEC and the control, the Permittee shall begin additional compliance monitoring within one week from the time of receiving the test results. This additional monitoring shall be conducted monthly for three consecutive months using the same test and species as the failed compliance test. Testing shall be conducted using a series of at least five effluent concentrations and a control in order to be able to determine appropriate point estimates. One of these effluent concentrations shall equal the CCEC and be compared statistically to the non-toxic control in order to determine compliance with the effluent limit for chronic toxicity as described in subsection C. The discharger shall return to the original monitoring frequency in subsection C. after completion of the additional compliance monitoring.

If the Permittee believes that a test indicating noncompliance will be identified by the Department as an anomalous test result, the Permittee may notify the Department that the compliance test result might be anomalous and that the Permittee intends to take only one additional sample for toxicity testing and wait for notification from the Department before completing the additional monitoring required in this subsection. The notification to the Department shall accompany the report of the compliance test result and identify the reason for considering the compliance test result to be anomalous. The Permittee shall complete all of the additional monitoring required in this subsection as soon as possible after notification by the Department that the compliance test result was not anomalous. If the one additional sample fails to comply with the effluent limit for chronic toxicity, then the Permittee shall proceed

without delay to complete all of the additional monitoring required in this subsection. The one additional test result shall replace the compliance test result upon determination by the Department that the compliance test result was anomalous.

If all of the additional compliance monitoring conducted in accordance with this subsection complies with the permit limit, the Permittee shall search all pertinent and recent facility records (operating records, monitoring results, inspection records, spill reports, weather records, production records, raw material purchases, pretreatment records, etc.) and submit a report to the Department on possible causes and preventive measures for the transient toxicity event which triggered the additional compliance monitoring.

If toxicity occurs in violation of the chronic toxicity limit during the additional compliance monitoring, the Permittee shall submit a Toxicity Identification/Reduction Evaluation (TI/RE) plan to the Department within 60 days after test results are final. The TI/RE plan shall be based on WAC 173-205-100(2). The TI/RE plan shall address areas where adequate guidance, procedures, or protocols are not available for implementation of the plan. The Permittee shall submit a revised TI/RE plan, in accordance with Department comments, within 30 days after receipt of the Department's comments. The Department will issue an administrative order to require implementation of the TI/RE in accordance with WAC 173-205-100(3).

E. Monitoring When There Is No Permit Limit for Chronic Toxicity

The Permittee shall test final effluent once in the last summer and once in the last winter prior to submission of the application for permit renewal. All species used in the initial chronic effluent characterization or substitutes approved by the Department shall be used and results submitted to the Department as a part of the permit renewal application process.

F. Sampling and Reporting Requirements

1. All reports for effluent characterization or compliance monitoring shall be submitted in accordance with the most recent Department specifications regarding format and content. Reports shall contain bench sheets and reference toxicant results for test methods. The effluent and reference toxicant test results shall also be submitted as electronic files on floppy disks in the Toxicity Standardized Electronic Reporting Format (TSERF) or other compatible format.

2. Testing shall be conducted on 24-hour composite grab samples. Samples taken for toxicity testing shall be cooled to 4 degrees Celsius while being collected and shall be sent to the lab immediately upon completion. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended.

3. Permittees that potentially have ammonia and/or chlorine in the effluent shall measure total ammonia and/or chlorine from a sample collected for toxicity testing. All samples taken for toxicity testing shall have pH, total alkalinity, total hardness, dissolved oxygen, and conductivity or salinity measured prior to test initiation.

4. All toxicity tests shall meet quality assurance criteria in the most recent versions of the EPA manual listed in subsection A. and the Department of Ecology Publication # WQ-R-95-80, *Whole Effluent Toxicity Testing Regulatory Guidance and Test Review Criteria*. If test results are determined to be invalid or anomalous by the Department, testing shall be repeated with freshly collected effluent. If control performance does not meet protocol standards for acceptability, the test shall be repeated with freshly collected effluent.

5. Control water and dilution water shall be laboratory water or pristine natural water meeting the requirements of the EPA manual listed in subsection A and of sufficient quality for good control performance.

6. The whole effluent toxicity tests shall be run on an unmodified sample of final effluent.

7. The Permittee may choose to conduct a full dilution series test during compliance monitoring in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the ACEC and the CCEC.

8. All whole effluent toxicity tests, effluent screening tests, and rapid screening tests that involve hypothesis testing and do not comply with the chronic statistical power standard of 39 percent as defined in WAC 173-205-020 must be repeated on a fresh sample with an increased number of replicates to increase the power.

S10. OUTFALL EVALUATION

The Permittee shall inspect, before January 1, 2004, the submerged portion of the outfall line and diffuser to document its integrity and continued function. If conditions allow for a photographic verification, it shall be included in the report. By March 1, 2004 the inspection report shall be submitted to the Department.

S11. SCHEDULE OF COMPLIANCE

On or before January 1, 2004, the Permittee will submit a plan for groundwater monitoring.

The following specific information should be submitted to Ecology:

- laboratory analytical methods
- field measurements
- ground water sampling procedures:
    - sampling equipment
    - purging protocol
    - sample collection procedures
    - sample prevention and handling
    - decontamination procedures

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Department shall be signed and certified.

A. All permit applications shall be signed by either a responsible corporate officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.

B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

1. The authorization is made in writing by a person described above and submitted to the Department.

2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.

D. Certification. Any person signing a document under this section shall make the following certification:

> I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

G2. RIGHT OF INSPECTION AND ENTRY

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.

B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.

C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.

D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

G3. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the permittee) or upon the Department's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:

1. Violation of any permit term or condition.

2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.

3. A material change in quantity or type of waste disposal.

4. A determination that the permitted activity endangers human health or the environment or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR part 122.64(3)].

5. A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR part 122.64(4)].

6. Nonpayment of fees assessed pursuant to RCW 90.48.465.

7. Failure or refusal of the permittee to allow entry as required in RCW 90.48.090.

B. The following are causes for modification but not revocation and reissuance except when the permittee requests or agrees:

1. A material change in the condition of the waters of the state.

2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.

3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.

4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.

5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR part 122.62.

6. The Department has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.

7. Incorporation of an approved local pretreatment program into a municipality's permit.

C. The following are causes for modification or alternatively revocation and reissuance:

1. Cause exists for termination for reasons listed in A1 through A7, of this section, and the Department determines that modification or revocation and reissuance is appropriate.

2. The Department has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new permittee.

G4. REPORTING A CAUSE FOR MODIFICATION

The Permittee shall submit a new application, or a supplement to the previous application, along with required engineering plans and reports whenever a material change to the facility or in the quantity or type of discharge is anticipated which is not specifically authorized by this permit. This application shall be submitted at least sixty (60) days prior to any proposed changes. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications shall be submitted at least one hundred eighty (180) days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities shall be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G7. DUTY TO REAPPLY

The Permittee shall apply for permit renewal at least 180 days prior to the specified expiration date of this permit.

G8. TRANSFER OF THIS PERMIT

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Department.

A. Transfers by Modification

Except as provided in paragraph B below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

B. Automatic Transfers

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies the Department at least 30 days in advance of the proposed transfer date.
2. The notice includes a written agreement between the existing and new Permittee's containing a specific date transfer of permit responsibility, coverage, and liability between them.
3. The Department does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under the subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

G9. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G10. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

G11. DUTY TO PROVIDE INFORMATION

The Permittee shall submit to the Department, within a reasonable time, all information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also submit to the Department upon request, copies of records required to be kept by this permit [40 CFR 122.41(h)].

G12. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G13. ADDITIONAL MONITORING

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G14. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department.

G15. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars ($10,000) and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars ($10,000) for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

G16. UPSET

Definition – "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that: 1) an upset occurred and that the Permittee can identify the cause(s) of the upset; 2) the permitted facility was being properly operated at the time of the upset; 3) the Permittee submitted notice of the upset as required in condition S3.E; and 4) the Permittee complied with any remedial measures required under S5 of this permit.

In any enforcement proceeding the Permittee seeking to establish the occurrence of an upset has the burden of proof.

G17. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

G18. DUTY TO COMPLY

The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

G19. TOXIC POLLUTANTS

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G20. PENALTIES FOR TAMPERING

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment shall be a fine of not more than $20,000 per day of violation, or by imprisonment of not more than four (4) years, or by both.

G21. REPORTING PLANNED CHANGES

The Permittee shall, as soon as possible, give notice to the Department of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in: 1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); 2) a significant change in the nature or an increase in quantity of pollutants discharged; or 3) a significant change in the Permittee's sludge use or disposal practices. Following such notice, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation.

G22. REPORTING ANTICIPATED NON-COMPLIANCE

The Permittee shall give advance notice to the Department by submission of a new application or supplement thereto at least one hundred and eighty (180) days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during non-critical water quality periods and carried out in a manner approved by the Department.

G23. REPORTING OTHER INFORMATION

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

G24. REPORTING REQUIREMENTS APPLICABLE TO EXISTING MANUFACTURING, COMMERCIAL, MINING, AND SILVICULTURAL DISCHARGERS

The Permittee belonging to the categories of existing manufacturing, commercial, mining, or silviculture must notify the Department as soon as they know or have reason to believe:

A. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels:"

1. One hundred micrograms per liter (100 μg/l).

2. Two hundred micrograms per liter (200 μg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 μg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony.

3. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).

4. The level established by the Director in accordance with 40 CFR 122.44(f).

B. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels:"

1. Five hundred micrograms per liter (500μg/L).

2. One milligram per liter (1 mg/L) for antimony.

3. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).

4. The level established by the Director in accordance with 40 CFR 122.44(f).

G25. COMPLIANCE SCHEDULES

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.